

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK FLORA	§	
	§	
VS.	§	C.A. NO. 4:19-CV-2328
	§	
TRANSOCEAN DRILLING (USA),	§	
INC., ET AL.	§	

**MOTION FOR CONTINUANCE
AND AMENDED RULE 16 SCHEDULING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendants Gulf Logistics Operating, Inc., Gulf Logistics, LLC, LLOG Exploration Offshore, LLC and Grand Isle Shipyards, LLC, who file this Motion for Continuance and Amended Rule 16 Scheduling Order seeking a trial continuance of 60-90 days for good cause as outlined herein and would respectfully show as follows:

1. This is a maritime personal injury matter originally filed in the 234th District Court of Harris County, Texas, on or about June 5, 2019. Mark Flora alleges personal injuries and damages as a result of cargo offloading operations from the vessel *Maggie A* to the drillship *West Neptune* in the Gulf of Mexico, offshore Louisiana. The plaintiff is a resident of Harris County, Texas, and the Defendants are Louisiana-based companies. The matter was removed to this Court and is currently set for jury trial on the Court's August 2021 trial term pursuant to an Amended Rule 16

Scheduling Order entered by the Court on November 2, 2020.

2. On or about October 25, 2019, the plaintiff amended his complaint to add a new defendant LLOG Exploration Offshore, LLC, who made their first appearance in the case on or about December 17, 2019. The Court continued the original trial setting and rescheduling the trial of this matter for the December, 2020 trial term and then reset the matter to the February 2021 trial term due to the ongoing Covid-19 pandemic.

3. The Parties have at various times requested extensions from the Court of scheduling order deadlines in an effort to maintain their trial date. The Parties have encountered numerous delays in scheduling depositions and conducting discovery due to pandemic related shutdowns and related restrictions in both Texas and Louisiana. These delays were further exacerbated by Gulf Coast storms affecting Texas and Louisiana during this period. As a result, the Court rescheduled the trial of this matter to the August 2021 trial term. Despite the parties' best efforts, these delays have extended discovery in this matter wherein additional key witnesses have been identified for deposition and hundreds of documents have recently been exchanged between the parties necessitating additional discovery that needs to be accomplished in advance of the trial of this matter.

4. On April 7, 2021, the plaintiff took the corporate deposition of LLOG. As a result of this deposition, the plaintiff has identified at least four additional witnesses

of key personnel that were allegedly involved in the investigation of the incident and/or may have had oversight responsibilities for ongoing operations. These witnesses include the captain of the *M/V Maggie A*, a Gulf Logistics HSE representative, a contract HSE technician and an alleged company man. With respect to the two witnesses who are contract personnel, these men are not under the direct control of any party. On May 14, 2021, the plaintiff took the corporate deposition of Grand Isle Shipyards. As a result of this deposition and subsequent written discovery on same, the parties have yet to identify (if possible) the specific crane operator moving the cargo load onto the *M/V Maggie A* in order that this witness may be deposed.

5. Two of the plaintiff's medical providers have given depositions on May 25, 2021, and another was deposed on June 4, 2021. Additional treating medical providers will likely be deposed as well as the parties' expert witnesses. Notwithstanding earlier continuances, the parties assert that extraordinary circumstances flowing from the Covid-19 pandemic, the Gulf Coast storms and the delays attendant to same, have delayed the proper discovery and preparation of this matter necessitating a trial continuance so that all parties are properly prepared for same.

6. Additionally, all parties are interested in attempting mediation in this matter; however, difficulties in the defendants' schedules and plaintiff's unavailability when

he works long stretches offshore have made agreeing to a date difficult.

7. The moving parties have met and conferred and propose the following deadlines and new trial term:

September 20, 2021: DISCOVERY shall be completed by this date.

October 29, 2021: MOTION CUT-OFF. No motion, including motions to exclude or limit expert testimony under Fed. R. Evid. 702 shall be filed after this date except for good cause shown. See LR 7.

October 29, 2021: the JOINT PRETRIAL ORDER shall be filed on or before this date notwithstanding that a Motion for continuance may be pending. Parties shall exchange all trial exhibits on or before this date notwithstanding that a Motion for continuance may be pending. NO LATE EXCHANGES OF EXHIBITS WILL BE PERMITTED. All motions in limine shall be submitted with the pretrial order. Failure to timely file a joint pretrial order, motions in limine, or exchange all trial exhibits may result in this case be dismissed or other sanctions imposed, in accordance with all applicable rules.

November 2021: TRIAL TERM. Cases will be set for trial at a Docket call, conducted prior to the trial term or by order of the Court. Your position on the Docket will be announced at that time.

The Plaintiff has been contacted regarding this motion and whether he has any opposition to the same. At the time of the filing of the Motion, Plaintiff's position is unknown. All defendants jointly seek the relief prayed for herein.

Prayer

WHEREFORE PREMISES CONSIDERED Gulf Logistics Operating, Inc., Gulf Logistics, LLC, LLOG Exploration Offshore, LLC and Grand Isle Shipyards, LLC respectfully request that the Court continued the trial to the November 2021 trial term, to enter an amended Rule 16 Scheduling Order based on that date, and to grant any further relief at law or in equity to which the Parties may be entitled. This Motion for Continuance is not sought for the purposes of delay, but only so that justice may be done.

Respectfully submitted:

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*Attorneys for Defendant,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing instrument has this day been served on all parties through their counsel of record in accordance with the Federal Rules of Civil Procedure:

☐ Hand Delivery ☐ Prepaid U.S. Mail ☐ U.S. Mail/CMRRR
☒ Email ☐ Facsimile ☐ Overnight Mail Service

Lafayette, Louisiana, this 25th day of June, 2020.

John D. Sheppard
Daniel Sheppard
MORROW & SHEPPARD, LLP
3701 Kirby Drive, Suite 1000
Houston, TX 77098

A handwritten signature in black ink, appearing to read "Alan J. Meche", written over a horizontal line.

ALAN J. MECHE (SBOT#24025530)